IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.P.BALACHANDRAN

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

MACA.No. 981 of 2007(B)

OPMV.1009/2003 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PALA
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APPELLANT/PETITIONER

SABU OUSEPH, KANNANKARAYIL HOUSE,
THALAPARA, VADAYAR VILLAGE, THALAYOLAPARAMBU P.O.,
NOW RESIDING AT PUNNAKUZHIYIL HOUSE,
AMBARANIRAPPEL P.O., KONDOOR VILLAGE,
MEENACHIL TALUK, VAILYAPARABHAGOM.

BY ADV. SRI.ABRAHAM MATHEW (VETTOOR)
SMT.A.A.GEETHA

RESPONDENTS: RESPONDENTS
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1. CHANDRAKUMAR(DIED)S/O RAMACHANDRAN NAIR,
CHANDRABHAVAN HOUSE, VADAYAR VILLAGE,
THALAYOLAPARAMBU KARA.

2. KARTHIYANI AMMA, PERINGAPPALLIL HOUSE,
K.S.MANGALAM, VAIKOM P.O., KOTTAYAM.

3. THE NATIONAL INSURANCE CO. LTD.,
REPRESENTED BY THE MANAGER, KOTTAYAM.

4. OMANA CHANDRAN, CHANDRAN BHAVAN HOUSE,
THALAYOLAPARAMBU P.O.

BY

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

M.A.C.A.No.981 OF 2007

Dated 29th June, 2007

JUDGMENT

Koshy,J.

Appellant/petitioner met with an accident due to the negligence of the driver of the vehicle insured by the third respondent insurance company. The doctor has assessed 15% disability. Appellant was aged 31 at the time of the accident. The Tribunal accepted the medical certificate produced by him and granted compensation for 15% disability. Considering his age, 17 was taken as multiplier taking guidelines from the second schedule. No evidence was adduced to prove his employment. It was also not proved that he lost employment due to the disabilities. However, for the purpose of calculation Rs.2,000/= was taken as monthly income and compensation was calculated. Medical expenses were reimbursed. For pain and suffering Rs.18,000/= was granted. Total compensation granted was Rs.1,10,280/-. Considering the total compensation awarded, we are of the opinion that just and reasonable compensation was awarded and no interference is needed.

The appeal is dismissed.

J.B.KOSHY
JUDGE

K.P.BALACHANDRAN
JUDGE

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